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6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

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9 Jorge Carlos Rodriguez,

10 Plaintiff,

11 vs.

12 Maricopa County Sheriff's Office, et al.,

13 Defendants.

) No. CV 08-2153-PHX-MHM (JRI)

) **ORDER**

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15 Plaintiff Jorge Carlos Rodriguez, who is confined in the Maricopa County Fourth

16 Avenue Jail, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and an

17 Application to Proceed *In Forma Pauperis*. By Order filed December 12, 2008, the Court

18 granted Plaintiff *in forma pauperis* status and dismissed the Complaint with leave to amend.

19 On December 19, 2008, Plaintiff filed a Motion for Appointment of Counsel (Doc.

20 #7). There is no constitutional right to appointment of counsel in a civil case. See Ivey v.

21 Board of Regents of University of Alaska, 673 F.2d 266 (9th Cir. 1982). The appointment

22 of counsel in a civil rights case is required only when exceptional circumstances are present.

23 Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980); Wilborn v. Escalderon, 789 F.2d 1328 (9th

24 Cir. 1986). "A finding of exceptional circumstances requires an evaluation of both 'the

25 likelihood of success on the merits [and] the ability of the petitioner to articulate his claims

26 *pro se* in light of the complexity of the legal issues involved.'" Wilborn, 789 F.2d at 1331

27 (quoting Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)). The Court must review both

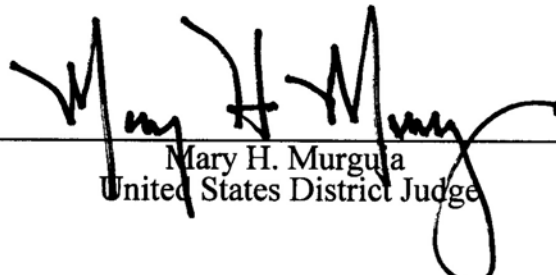
28 of these factors together in deciding whether or not to appoint counsel. Id.

1 The Court has reviewed and evaluated the Complaint and finds this action presents
2 no "exceptional circumstances" requiring the appointment of counsel at this time. Plaintiff
3 is in no different a position than other *pro se* litigations who have brought nearly identical
4 claims. Accordingly, Plaintiff's Motion for Appointment of Counsel (Doc. #7) will be
5 denied without prejudice. Plaintiff should note that this Order does not change the 30-day
6 deadline for filing an amended complaint that was set in the Court's December 12th Order.

7 **IT IS ORDERED** that Plaintiff's December 19, 2008 Motion for Appointment of
8 Counsel (Doc. #7) is **denied without prejudice**.

9 DATED this 15th day of January, 2009.

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Mary H. Murgula
United States District Judge